



July 14, 2006

Ms. Marlene H. Dortch
Federal Communications Commission
445 12th Street, S.W., Room 1-A836
Washington, D.C. 20554

Re: Notice of Ex Parte Meetings in Dockets: EB 06-119; RM-11327

Dear Ms. Dortch:

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, this letter is to provide notice in the above-captioned docketed proceedings of *ex parte* meetings by Jeff Pulver, Tom Evslin and Jonathan Askin on July 13, 2006 with the following: Dana Shaffer of Commissioner McDowell's Office; Tom Navin, Marcus Maher and Julie Veach of the Wireline Competition Bureau; Ken Moran of the Enforcement Bureau; Scott Deutchman and Bruce Gottlieb of Commissioner Copps Office; Commissioner Tate and Ian Dillner; and Commissioner Adelstein and Scott Bergmann.

We discussed the pulver/Evslin Petition to Preserve Post-Disaster Communications (http://gullfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6518331208) that we submitted to the FCC on March 13, 2006. The Petition was intended to ensure that refugees and exiles, displaced after a public disaster, may be assured a communications lifeline. Our views are more fully expressed in the Petition and in our Reply Comments (http://gullfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6518335879).

We believe the proposal set forth in the Petition is a straightforward, easily and affordably implementable, technology neutral mechanism to provide a communications lifeline to refugees and exiles displaced in the wake of a public catastrophe that brings down communications infrastructure. The Petition proposed that, before the next hurricane or other public catastrophe, each provider that is obligated to provide E911 service to residential customers have a mechanism in place to ensure that its customers

have voicemail service activated so that friends and family may be able to reach one another or at least inform friends and family of their safety and whereabouts. By our calculations, such a proposal would not cost more than one cent per customer. We suggested that, at a minimum, the FCC, in the absence of an immediately enforceable rule, use its power of persuasion to encourage all providers to offer such a free virtual voicemail service in the wake of the next public catastrophe.

Katrina was different than most previous disasters. After most public catastrophes, people leave or hunker down for a few days. Workers with chain saws and cherry pickers turn out in large numbers, saw down fallen limbs, tow away stranded cars, and do an excellent job of repairing downed phone and power lines. Life almost immediately begins to return to normal for the communities as a whole although many individual families struggle for years to rebuild their lives. Katrina was different. Both because of the sheer size of the storm and because the floodwaters lingered in much of the low-lying city, New Orleans (and the oft-ignored surrounding areas) became a city in exile. Even today, many families have not returned.

From a communication point of view, services that managed to reach the citizens in exile were among the few Katrina success stories. People in shelters could see nola.com online even if they couldn't get paper copies of the *Times-Picayune*; WWLTV reached its scattered audience through an ad hoc arrangement with Yahoo; the Slidell blog kept Slidell residents current with the latest from that Louisiana town. Repairing phone lines to drowned neighborhoods which were both uninhabitable and under evacuation orders did NOT restore communication to the people from these neighborhoods. Those too poor to have cell phones, VoIP, or the extra-cost voice mail feature on their landlines were simply out of touch. We all remember the terrible stories of split families not sure who was in what shelter or even who got out. Emergency crews risked their own lives searching for people who had actually escaped but could not be located. People outside the stricken area couldn't find out what happened to their friends and relatives who were last heard from in the hurricane's path.

Names are a poor way to locate people: they never get input the same way twice; they are not unique. Phone numbers are great but the phones weren't working. However, ever since telco switches went electronic, there has been no hard connection between a phone number and the physical line to which it is linked.

Those evacuees who had voicemail could leave greetings saying that they were safe and giving their location. Family members could leave each other messages. Our proposal suggests simply that phone companies be

required to provide voicemail free to ALL of their subscribers when those subscriber lines are in an emergency area and/or have been down for twelve hours or more. Then everyone who had a phone line will still be reachable through his or her old phone number even if the line itself is drowned or unreachable.

In response to commission staff inquiry, we addressed the following questions as follow-up to our Petition:

Q: What if someone is in their home in a disaster area and needs to be able to answer their phone? We won't be doing them a favor if the calls all go to voice mail.

A: If the line is physically functioning, the voice mail service should only kick in after a specified number of rings – telco people call this rna (ring no answer).

Q: Is this for all lines including business PBX's?

A: No. There is plenty of room for better commercial disaster solutions for businesses but we're talking here about single line residential service.

Q: What about education? How are people going to be convinced to invest time learning to use voice mail in an emergency when the voice mail isn't even available to them until an emergency happens?

A: We believe that volunteers at shelter will encourage people to activate voice mail as they check into the shelters. To the credit of many carriers and volunteers, there were phones and computers in most shelters almost immediately. Volunteers spend a lot of time helping people find each other. Showing the evacuees how to use VM for this purpose will probably free volunteers to do other needed tasks.

Q: If the actual switches are underwater or otherwise out of service, how will the voice mail be provided?

A: Carriers already have the ability to route away from afflicted switches. AT&T demonstrated that very effectively in coping with 9/11. Hopefully, they are already provisioning voicemail storage remote from switches for security and survivability reasons.

Q: What about the cost? The carriers said it would be very expensive.

A: The carriers didn't give any specifics on cost. At the current RETAIL cost of disk storage, we calculate it'll cost less than one cent per customer capital cost to make 10 meg mailboxes available ([details here](#)).

In [her remarks](#) on the release of the Victory Commission recommendations, Commissioner Tate wrote: "When disaster strikes, our first reaction is to reach out to those we love. We call for help, we call loved ones to tell them we are okay, and we call to offer assistance to those in need."

We couldn't agree more. We want to be sure those calls can be made.

If you have any questions about this matter, please contact me at 631-961-1049.

Respectfully submitted,
/s/
Jonathan Askin

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